

## **REMARKS**

This is a full and timely response to the outstanding Office Action mailed August 30, 2006. Upon entry of the amendments in this response claims 1-18 are pending. More specifically, claims 1, 4, 6, 9, and 17 are amended; and claim 18 is added. These amendments are specifically described hereinafter.

### **I. Present Status of Patent Application**

Claims 1-3, 5-10, 12-13, and 15-16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,304,558) in view of *Ray, et al.* (U. S. Patent No. 6,067,529). Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,304,558) in view of *Ray, et al.* (U. S. Patent No. 6,067,529) in further view of *Nageli* (U.S. Patent No. 6,731,942). Claims 4 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. These rejections are respectfully traversed.

### **II. Allowability of Claims 4 and 17**

Applicant appreciates Examiner Miller's indication that claims 4 and 17 are allowable if rewritten in independent form. Accordingly, claim 4 is rewritten in independent to include base claim 1, and claim 18 has been added, incorporating base claim 9 and dependent claim 17. Therefore, at least claims 4 and 17 are allowable.

### **III. Rejections Under 35 U.S.C. §103(a)**

#### **A. Claims 1-3 and 5**

The Office Action rejects claims 1-3 and 5 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,304,558) in view of *Ray, et al.* (U. S. Patent No. 6,067,529). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 1**, as amended, recites:

1. A method for dispatching work orders and receiving status information concerning such orders via a communications network adapted to communicate short message service ("SMS") messages, the method comprising:

- coupling a communication device to a dispatch computer, wherein the communication device is adapted to send and receive messages in a SMS format, and wherein the message includes status-type information;
- determining the length of the dispatch order and, based upon the determined length, formulating the dispatch order into one SMS message or multiple, related SMS messages;***
- reformatting the one or multiple SMS messages into at least one Internet packet;
- and
- forwarding the at least one Internet packet over the communications network to a selected communication device or a group of communication devices.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Shah* and *Ray* does not disclose, teach, or suggest at least **determining the length of the dispatch order and, based upon the determined length, formulating the dispatch order into one SMS message or multiple, related SMS messages**. *Shah* discloses a computer aided dispatch apparatus. *Ray* discloses a system for providing a substantially immediate receipt after a purchase. However, neither, singularly nor in combination, discloses determining the length of the dispatch order and, based upon the determined length, formulating the dispatch order into one SMS message or multiple, related SMS messages.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 1 is allowable.

Because independent claim 1 is allowable over the cited references of record, dependent claims 2-3 and 5 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-3 and 5 contain all the features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 2-3 and 5 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-3 and 5 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 2-3 and 5 are allowable.

B. Claims 6-8

The Office Action rejects claims 6-8 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,304,558) in view of *Ray, et al.* (U. S. Patent No. 6,067,529). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 6**, as amended, recites:

6. A method for dispatching orders to service technicians remotely and receiving responsive information from such technicians concerning the orders via at least one wireless network adapted to transmit short messaging service ("SMS") messages to allow communication among a central processor and service technicians without making a wireless telephone call, the method comprising:

providing each service technician with a processor and a transceiver adapted to communicate via SMS messages;

***periodically causing the central processor to determine the length of a dispatch order and, based upon the determined length, formulating the dispatch order into one SMS message or multiple, related SMS messages*** for a selected service technician processor that provides that service technician a the dispatch order, wherein the one or multiple SMS messages includes status-type information;

transmitting the one or multiple messages over the wireless network via a short messaging center coupled to a mobile switching center within the wireless network;

reformatting the one or multiple messages into at least one Internet packet; and transmitting the one or multiple messages over an IP network.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue. Applicant respectfully submits that independent claim 6 is allowable for at least the reason that the combination of *Shah* and *Ray* does not disclose, teach, or suggest at least ***periodically causing the central processor to determine the length of a dispatch order and, based upon the determined length, formulating the dispatch order into one SMS message or multiple, related SMS messages***. *Shah* discloses a computer aided dispatch apparatus. *Ray* discloses a system for providing a

substantially immediate receipt after a purchase. However, neither, singularly nor in combination, discloses periodically causing the central processor to determine the length of a dispatch order and, based upon the determined length, formulating the dispatch order into one SMS message or multiple, related SMS messages.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 6, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 6 is allowable.

Because independent claim 6 is allowable over the cited references of record, dependent claims 7 and 8 (which depend from independent claim 6) are allowable as a matter of law for at least the reason that dependent claims 7 and 8 contain all the features of independent claim 6. Therefore, the rejection to claims 7 and 8 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 6, dependent claims 7 and 8 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 7 and 8 are allowable.

#### C. Claims 9-16

Claims 9-10, 12-13, and 15-16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,304,558) in view of *Ray, et al.* (U. S. Patent No. 6,067,529). Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,304,558) in view of *Ray, et al.* (U. S. Patent No. 6,067,529) in further view of *Nageli* (U.S. Patent No. 6,731,942). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 9**, as amended, recites:

9. A method for managing dispatch applications in order to deliver messages from or to each of multiple service technicians deployed over a geographically-dispersed area, the method comprising:

***programming the dispatch computer to determine the length of a dispatch order and, based upon the determined length, formulate the dispatch order into one message or multiple, related messages;***

formulating at a central processor the one or multiple messages to at least one of the service technicians for wireless transmission according to a preselected format, wherein the message includes status-type information;

transmitting the one or multiple messages to a network element for identifying that message;

reformatting the one or multiple messages to an Internet protocol; and

transferring the one or multiple messages from the network element to a communication device associated with the selected service technician, wherein the communication device is adapted to cause the one or multiple messages to be displayed to the service technician and is capable of forwarding from the service technician a reply message concerning the status of a dispatch order.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue. Applicant respectfully submits that independent claim 9 is allowable for at least the reason that the combination of *Shah* and *Ray* does not disclose, teach, or suggest at least **programming the dispatch computer to determine the length of a dispatch order and, based upon the determined length, formulate the dispatch order into one message or multiple, related messages**. *Shah* discloses a computer aided dispatch apparatus. *Ray* discloses a system for providing a substantially immediate

receipt after a purchase. However, neither, singularly nor in combination, discloses programming the dispatch computer to determine the length of a dispatch order and, based upon the determined length, formulate the dispatch order into one message or multiple, related messages.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 9, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 9 is allowable.

Because independent claim 9 is allowable over the cited references of record, dependent claims 10, 12-13, and 15-16 (which depend from independent claim 9) are allowable as a matter of law for at least the reason that dependent claims 10, 12-13, and 15-16 contain all the features of independent claim 9. Therefore, the rejection to claims 10, 12-13, and 15-16 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 9, dependent claims 10, 12-13, and 15-16 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 10, 12-13, and 15-16 are allowable.

Additionally, with regard to the rejection of claims 11 and 14, *Nageli* does not make up for the deficiencies of *Shah* and *Ray* noted above. Therefore, claims 11 and 14 are considered patentable over any combination of these documents.

**IV. Miscellaneous Issues**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.



**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-18 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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